

In The United States Patent and Trademark Office

Appn. No. ~~10/860,826~~ **09/939,865**

Filed: August 27, 2001

Applicant: Reuben Hertz

Title: **HANDHELD APPARATUS FOR DELIVERY OF PARTICULATE MATTER
WITH DIRECTIONAL FLOW CONTROL**

Examiner/GAU: Robert Rose / 3723

Official Fax Number: 571 273-8300

Tel: (571) 272-4494

FAX RECEIVED

SEP 05 2006

OFFICE OF PETITIONS

Certificate of Transmission

Certificate of Transmission: I certify that on the date below this document and referenced attachments, if any, will be transmitted via facsimile to:

571 273-0025

Signed: _____

Allen Hertz, Reg. No. 50,942

Date transmitted: September 05th, 2006

Attachments:

Petition to Withdraw Holding of Abandonment (05 pages)

Replacement Part B Fee Transmittal respective to 09/939,865 (1 page)

Exhibit A: Part B Transmittal as originally submitted (1 page)

Exhibit B: Issue Fee payment and Return Postcard as originally submitted (1 page)

Exhibit C: Return postcard receipt as originally received (1 page)

Certificate of Transmlaslon (this page)

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Application Ser. No. 09/939,865

Petition to Revive

Appn. No. 09/939,865

Filed: August 27, 2001

Applicant: Reuben Hertz

Title: **HANDHELD APPARATUS FOR DELIVERY OF PARTICULATE
MATTER WITH DIRECTIONAL FLOW CONTROL**

Examiner/GAU: Robert Rose / 3723

Official Fax Number: 571 273-8300

Tel: (571) 272-4494

Transmitted on: 2006, September 05

Petition to Withdraw Holding of Abandonment

Mail Stop: Petition
Commissioner of Patents and Trademarks
Patent and Trademark Office
United States Department of Commerce
P.O. Box 1450
Alexandria, VA 22313-1450
Office of Petitions Fax Number: 571 273-0025

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SEP 05 2006
OFFICE OF PETITIONS

SIR:

In response to the Notice of Abandonment Mailed 2006, August 30th, Applicant requests to Petition to revive the subject application based upon the following:

Applicant submitted Issues fees for the subject application and submitted the Incorrect application numbers. Applicant submitted Issue fees for the subject application, but inadvertently submitted the fees on papers identified for a previously issued patent, Application number 10/704,517.

Applicant has attached copies of all papers submitted on June 07, 2006 for payment of Issue fees and publication fees which were incorrectly identifying a previously issued patent, USPN 10/704,517. Attached are Part B Fees Transmittal

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Application Ser. No. 09/939,865

Petition to Revive

Exhibit A: Part B Fee Transmittal dated June 07, 2006 to 10/704,517 which had already issued as USPN 6,951,505 on October 4th, 2005.

Exhibit B: Check number 3387 in the amount of \$1000 and respective return postcard stating date of deposit on June 07, 2006.

Exhibit C: The respective return postcard receipt stating date of receipt by the USPTO on June 12, 2006.

Applicant has confirmed with the Office of Petitions that issue fee payment was received and placed against Application No. 10/704,517 in accordance with the submitted documentation. Applicant notes that Application No. 10/704,517 had issued on October 4th, 2005 and that the subject issue fees were paid on June 07th, 2006.

Applicant respectfully requests the Office of Petitions grant this petition, transfer the issue fees from Application No. 10/704,517 to Application No. 09/939,865, and withdraw the holding of abandonment of Application No. 09/939,865.

Application Ser. No. 09/939,865

Petition to Revive

CONCLUSIONS

Applicant believes the submitted petition presents sufficient evidence that the Applicant made a bonafide attempt to submit the issue fee and respective publication fee for the subject application prior to the due date of July 28th, 2006.

Applicant has submitted a replacement form, Part B Fee Transmittal respective to Application No. 09/939,865.

The Office has established a shortened statutory period of **two (2) months** for response to the **Notice of Abandonment** mailed on August 30th, 2006. Applicant has responded to the Office Action on or before October 30th, 2006 with a proper certificate of correspondence, being submitted in less than **Two (2) Months** from the date of mailing of the subject **Notice of Abandonment**. Therefore, the Applicant believes the response is timely. Applicant believes the response provided is complete.

If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, a telephone call to the Agent of Record (Allen Hertz) at (561) 883-0115 (Office)(Please leave a message) or (561) 716-3915 (Cell phone) is respectfully solicited.

Application Ser. No. 09/939,865

Petition to Revive

identifying the certificate of mailing being June 07, 2006, a copy of the check submitted on 6-7-06 for \$1000, referencing Application No. 10/704,517, and the return postcard as mailed identifying the check and date of deposit as such. Also attached is a copy of the return postcard as received with an OIPE stamp dated Jun 12, 2006.

Applicant inadvertently used the incorrect part B transmittal and should have used the one reflecting the 09/939,865 application.

Applicant has attached a completed Part B Fee Transmittal respective to the subject application for completeness of the file.

Applicant respectfully petitions to:

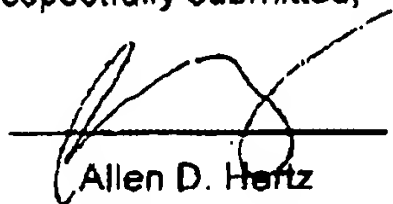
- 1) Withdraw holding of abandonment of Application No. 09/939,865.
- 2) Apply the fees submitted on June 07, 2006 from Application No. 10/704,517 to Application No. 09/939,865.

Applicant earnestly believes that Applicant has submitted evidence that the payment was made in a timely manner (June 07, 2006) for a due date of July 28th, 2006 as follows:

Application Ser. No. 09/939,865

Petition to Revive

Respectfully submitted,



Allen D. Hertz

Agent of Record, Reg. No.: 50,942

Please submit all correspondence concerning this patent application to:

Allen D. Hertz

Registration Number: 50,942



31877

PATENT & TRADEMARK OFFICE

Customer Number: 31877
12784 Tulpwood Circle
Boca Raton, Florida 33428
Tel / Fax: 561/883-0115
Cell: 561/716-3916

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PART B - FEE(S) TRANSMITTAL

FAX RECEIVED

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE:
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax** (571)-273-2885

SEP 05 2006

OFFICE OF PETITIONS

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE in requests. Items 1 through 5 should be completed with appropriate. All further correspondence, including the Patent, Advance Order and notification of maintenance fee will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address, and/or (b) indicating a separate "FEE ADDRESS" maintenance fee notification.

CURRENT CORRESPONDENCE ADDRESS (SEE BLOCK 1 FOR FEE ADDRESS)

ALLEN D. HERTZ
12784 TULIPWOOD CIRCLE
BOCA RATON, FL 33428

Note: A certificate of mailing can only be used for domestic mailings of Patent Transmittals. This certificate cannot be used for any other accompanying papers. First additional paper, such as an assignment or formal drawing, to have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Patent Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail, in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Allen D. Hertz
September 05, 2006

APPLICANT'S NO.	THE INVENTOR	THE INVENTOR'S NAME	ATTORNEY FOR THE INVENTOR	CONFIDENTIALITY NO.
(U) 939,865	(U) 27-2001	Reuben Hertz		3746

TITLE OF INVENTION: HANDHELD APPARATUS FOR DELIVERY OF PARTICULATE MATTER WITH DIRECTIONAL FLOW CONTROL

APPLICANT'S NO.	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE (\$/USD)	TOTAL FEE
(U) 939,865	YES	\$700	\$0.00	\$700.00	\$700.00

EXAMINER	ARTICLE	EXAMINER'S CLASS
ROSE, ROBERT A.	1721	451-090000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.33)

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO SR 122) attached.
☐ "Fee Address" indication on "Fee Address" and/or other PTO SR 42, Rev. 06/02 or more recent attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a partner a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Allen D. Hertz

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (form of type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed in accordance with 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

LAST NAME OF ASSIGNEE

BY RESIDENCE (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private entity ☐ Government

4a. The following fees are enclosed:

- ☒ Issue Fee
☒ Publication Fee (Small entity discount permitted)
☐ Advance Order - # of Copies

4b. Payment of Fees:

- ☒ A check in the amount of the fees is enclosed.
☐ Payment by credit card (Form PTO-2026 is attached).
☐ The Director is hereby authorized by charge the required fees, or credit any overpayment, to Deposit Account Number.

5. Change in Entity Status (from status indicated above)

- ☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.2.
☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.2 (g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee if any or to re-apply any previously paid issue fee in the application identified above. NOTE: The Issue Fee and Publication Fee if required will not be accepted from anyone other than the applicant, a registered attorney or agent, or the examiner or other post interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature:

Typed or printed name:

Allen D. Hertz

Date:

September 05, 2006

Registration No.:

50,942

This collection of information is required by 37 CFR 1.11. The information is required to obtain or retain a benefit by the public which is to be provided by the USPTO to provide an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11. This collection is estimated to take 12 minutes to complete, including gathering, preparing, submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND THIS OR COMPLETED FORMS TO THE ADDRESS SPECIFIED FOR CORRESPONDENCE FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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Appendix A

**Part B Fee Transmittal
Originally Submitted on June 07, 2006**

In The United States Patent and Trademark Office

Appn. No. ~~10/860,826~~ **09/939,865**

Filed: August 27, 2001

Applicant: Reuben Hertz

Title: **HANDHELD APPARATUS FOR DELIVERY OF PARTICULATE MATTER
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Examiner/GAU: Robert Rose / 3723

Official Fax Number: 571 273-8300

Tel: (571) 272-4494

Certificate of Transmission

Certificate of Transmission: I certify that on the date below this document and referenced attachments, if any, will be transmitted via facsimile to:

571 273-0025

Signed: _____


Allen Hertz, Reg. No. 50,942

Date transmitted: September 05th, 2006

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Application Ser. No. 09/939,865

OFFICE OF PETITIONS
~~Petition to Revoke~~

Appn. No. 09/939,865

Filed: August 27, 2001

Applicant: Reuben Hertz

Title: **HANDHELD APPARATUS FOR DELIVERY OF PARTICULATE
MATTER WITH DIRECTIONAL FLOW CONTROL**

Examiner/GAU: Robert Rose / 3723

Official Fax Number: 571 273-8300

Tel: (571) 272-4494

Transmitted on: 2006, September 05

Petition to Withdraw Holding of Abandonment

Mall Stop: Petition
Commissioner of Patents and Trademarks
Patent and Trademark Office
United States Department of Commerce
P.O. Box 1450
Alexandria, VA 22313-1450
Office of Petitions Fax Number: 571 273-0025

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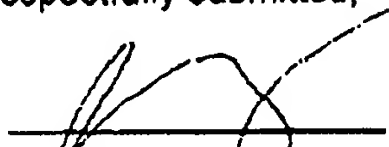
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Application Ser. No. 09/939,865

Petition to Revive

Respectfully submitted,


Allen D. Hertz

Agent of Record, Reg. No.: 50,942

Please submit all correspondence concerning this patent application to:

Allen D. Hertz

Registration Number: 50,942



31877

PATENT & TRADEMARK OFFICE

Customer Number: 31877
12784 Tulipwood Circle
Boca Raton, Florida 33428
Tel / Fax: 561/883-0115
Cell: 561/716-3915

Page 5 of 5

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PART B - FEE(S) TRANSMITTAL

SEP 05 2006

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
 or Fax **(571)-273-2885**

OFFICE OF PETITIONS

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Parts 1 through 5 should be completed with appropriate information. All further correspondence, including the Patent, Advance Order and notification of maintenance fee, will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address, and/or (b) indicating a separate "FEE ADDRESS" maintenance fee notification.

CURRENT CORRESPONDENCE ADDRESS (SEE BLOCK 1 FOR INSTRUCTIONS)

Note: A certificate of mailing can only be used for domestic mailings of Patent Transmittals. This certificate cannot be used for any other accompanying papers, i.e., additional paper, such as an assignment or formal drawing, in have its own certificate of mailing or transmission.

VLS
 Allen D. Hertz
 12784 TULIPWOOD CIRCLE
 BOCA RATON, FL 33428

14 28 2006

Certificate of Mailing or Transmission
 I hereby certify that this Fee(s) Transmittal is being deposited with the U.S. State Postal Service with sufficient postage for first class mail, in an envelope addressed to the Mail Stop ISSUE FEE address above, in triplicate, to be transmitted to the USPTO (571) 273-2885, on the date indicated below.

Allen D. Hertz
 September 05, 2006

APPLICABLE FEE	FILE NO./DATE	DEPT. NAME/ISSUANCE NO.	ATTORNEY OR AGENT	CONFIDENTIALITY NO.
(W) 439,845	09-07-2006	Reuben Hertz		3446

THIS TRANSMITTAL IS HANDLED BY APPROPRIATE DEPARTMENT FOR DELIVERY OF PATENT FEE WITH DIRECT MAIL FLOW CONTROL.

APPLICABLE FEE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S)	DATE DUE
439,845	YES	5700	4300	8798	09-05-2006

EXAMINER	ASSISTANT	CLASS. ASST. CLERK
ROSE, ROBERT A.	1721	431-0600000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.533)
☐ Change of correspondence address or Change of Correspondence Address form PTO SB 122 attached
☐ "Fee Address" indication on "Fee Address" form (see form PTO SB 122, Rev. 01-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list:
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a partner a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Allen D. Hertz

ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT Form (if type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recording as set forth in 37 CFR 1.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other entity ☐ Government

4a. The following fees are enclosed:

- ☒ Issue Fee
☒ Publication Fee (Small entity discount permitted)
☐ Advance Order - # of Copies

4b. Payment of Fees:

- ☒ A check in the amount of the fees is enclosed
☐ Payment by credit card (Form PTO-2028 is attached)
☐ The Director is hereby authorized by charge the required fees, or credit any overpayment, to Deposit Account Number (provide an extra copy of this form)

5. Change in Entity Status (from status indicated above):

- ☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Typed or printed name

Allen D. Hertz

Date

September 05, 2006

Registration No.

50,942

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO) to provide an application. Confidentiality is provided by 35 U.S.C. 122 and 37 CFR 1.11. This collection is estimated to take 12 minutes to complete, including gathering, preparing, submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND THIS OR COMPLETED FORMS TO THE ADDRESS OF THE USPTO. For more information, see 37 CFR 1.311.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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Appendix A

**Part B Fee Transmittal
Originally Submitted on June 07, 2006**

PART D - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note Use Block 1 for any change of address)

31877 75181 05-05-2003
ALLEN D. HERTZ
12784 TULIPWOOD CIRCLE
HOCA RATON, FL 33428

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmittal.

Certificate of Mailing or Transmittal
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Allen D. Hertz (Signature)
June 07, 2006 (Date)

APPLICATION NO.	FILING DATE	FIRST NAME, LAST NAME	ATTORNEY IDENT. NO.	COMMUNICATION NO.
10734,517	11/08/2003	Reuben Hertz		4055

TITLE OF INVENTION, METHOD USING HANDHELD APPARATUS FOR DELIVERY OF PARTICULATE MATTER

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	08/02/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
ROSE, ROBERT A	3723	431-038000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.303).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 3 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Allen D. Hertz
2. _____
3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed.

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - 4 of Copies

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.37.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.37(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____
Typed or printed name, Allen D. Hertz

Date June 07, 2006
Registration No. 50,942

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Appendix B

**Issue Fee Payment, Check No. 3387
for \$1000
Return Postcard**

**All as Originally Submitted
on June 07, 2006**



ALLEN HERTZ
KIM HERTZ
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DELIVERY OF PARTICULATE MATTER**

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